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STEPHEN J. ABARBANEL

SCANNED

DATE: 7-16-04

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July 15, 2004

By Courier

Ms. Kathleen Boyce
Clerk to the Honorable Mark L. Wolf
United States District Court
Moakley U.S. Courthouse
1 Courthouse Way
Boston, MA 02210

Re: **ABC Mortgage Corporation et al., v. Scottsdale Insurance Co.**
Civ. Action No. 04-10816 MLW

Dear Ms. Boyce:

This letter follows on our telephone conversation of last Friday, and Judge Wolf's order of June 25, 2004 requesting the parties to report to the Court the status of this matter by July 15, 2004. You stated a report by letter would comply with the Order. I have conferred with William Chapman, counsel to ABC Mortgage Corporation, and this letter represents the joint views of both Mr. Chapman and me, on behalf of each of our clients.

This insurance coverage declaratory judgment action was stayed by the Court at the joint request of the parties for the reason that the underlying action (*Mulhern v. John G. MacLeod d/b/a ABC Mortgage Co.*, Worcester Superior Court No. 02-2218A the "Mulhern" case) was pending on appeal with the Massachusetts Supreme Judicial Court. Since the initial request for stay of this action, the Supreme Judicial Court recently remanded the underlying case to Superior Court for further proceedings.

On behalf of our respective clients Mr. Chapman and I jointly request that the current stay of proceedings remain in place pending addressing certain issues in the underlying Mulhern case, and that the parties report back to this Court on October 15, 2004, or by further request of either the parties or the Court.



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Clerk to the Honorable Mark L. Wolf
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Thank you very much for your assistance and consideration with this matter.

Sincerely,



Stephen J. Abarbanel

sm:SJA

cc: William Chapman, Esq.

